

**U.S. Department of Justice**

*United States Attorney
Eastern District of New York*

SLR:KF

*271 Cadman Plaza East, 7th Floor
Brooklyn, New York 11201*

January 8, 2009

The Honorable Roanne L. Mann
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: Laird v. United States of America, et.al,
 Civil Action No. CV-07-5025 (Mann, M.J)**

Dear Magistrate Judge Mann:

The undersigned Assistant United States Attorney writes to provide the Court with defendant's revised proposed exhibit binder and demonstrative diagram, and to update the Court as to the status of the proposed exhibits for the upcoming trial in this case. At the December 10, 2008 pretrial conference in this case, the Court asked the parties to determine a clear method for designating certain voluminous exhibits and for the undersigned Assistant United States Attorney to provide the Court and opposing counsel with a copy of a proposed demonstrative diagram of the accident scene, which the undersigned intends to employ at the trial. In addition to the small-scale version of the proposed demonstrative enclosed with this letter, the revised proposed exhibit binder includes the following revisions: (1) proposed Exhibit F is divided into subparts F(A) through F(EE); proposed Exhibit G is divided into several subparts, including G(Report), G(Photos 1 through 26)¹, G(Attachments 1 through 10)²; and (3) proposed Exhibit J (Photos 1 through 11) has been added to include additional photographs of the accident scene which were not previously available. Plaintiff has consented to these proposed revisions and has no objections to the proposed demonstrative diagram. In addition, the parties have agreed to

¹ Each photo is marked G (Photo) and contains a number corresponding to the number on the photo.

² As with the above-mentioned photos, each "attachment" is separately referenced.

stipulate to the admissibility of the photos at F(A through AA and DD through EE)³ as well as G(Photos 1 through 23)⁴ and those at Exhibit J.

Respectfully submitted,

BENTON J. CAMPBELL
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³ Although this list does not include F(BB) and F(CC), there are no unresolved objections regarding those proposed exhibits at this time. The parties reserve the right to make objections as necessary if those proposed exhibits are offered into evidence during trial.

⁴ Although this list does not include G(Photo 24) through G(Photo 26), there are no unresolved objections regarding those proposed exhibits at this time. The parties reserve the right to make objections as necessary if those proposed exhibits are offered into evidence during trial.